

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Petition of Sprint for Declaratory Ruling)	WC Docket No. 12-105
Regarding Application of CenturyLink's)	
Access Tariffs to VoIP Originated Traffic)	
Pursuant to Primary Jurisdiction Referral)	

**REPLY COMMENTS OF FRONTIER COMMUNICATIONS CORPORATION IN
OPPOSITION OF SPRINT'S PETITION**

Frontier Communications Corporation ("Frontier") hereby submits the following Reply Comments in response to the Federal Communications Commission's ("Commission" or "FCC") request for comment on the above-referenced Petition.¹ Frontier, which operates a telecommunications network across 27 states, is the largest provider of communications services focused on rural America. Accordingly, Frontier is committed to doing its part to meet the Commission's broadband deployment goals in its territories.² Frontier is investing hundreds of millions of dollars to deploy broadband in predominantly rural areas; areas that the Commission has found are most likely to lack broadband service.³

¹ *In re*: Petition of Sprint for Declaratory Ruling Regarding Application of CenturyLink's Access Tariffs to VoIP Originated Traffic Pursuant to Primary Jurisdiction Referral, WC Dkt. No. 12-105, *Public Notice*, DA 12-681 (rel. Apr. 30, 2012).

² *Id.* at ¶ 51 ("All Americans in all parts of the nation, including those in rural, insular, and high-cost areas, should have access to affordable modern communications networks capable of supporting the necessary applications that empower them to learn, work, create, and innovate.").

³ *In re*: Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act; A National Broadband Plan for Our Future, GN Docket Nos. 10-159; 09-51, *Sixth Broadband Deployment Report*, FCC 10-129 at ¶ 28 (rel. July 20, 2010) ("*Sixth Broadband Deployment Report*") ("Based on our analysis, we conclude that broadband is not

Access revenues have played a role in assisting to fund Frontier's aggressive broadband deployment strategy. When Sprint and others such as Verizon—the sole other commenter in this proceeding in favor of Sprint's Petition—unilaterally decided to stop paying the tariffed rates for access fees it affected Frontier's revenues in the same manner in which it did CenturyLink. The actions of Sprint and others who self-regulated the payment of access charges have an impact on revenue, cash flow, and capital available for broadband deployment. Though the *USF/ICC Transformation Order* has resolved the proper compensation for payments of VoIP-originated traffic terminating on the PSTN prospectively,⁴ the Commission should not play the role of encouraging future self-serving self-help remedies and accordingly should deny Sprint's petition.

Frontier has consistently held the position that it is illogical to exclude VoIP-originated calls that terminate on its network from the traditional access charge regime because the costs of termination are the same regardless of the originating technology and Frontier has no way of knowing whether a call originates on the PSTN or via VoIP.⁵ The arguments against granting Sprint's petition have been well documented in this proceeding, but they are perhaps best summarized by ITTA's simple statement that “[s]ince Sprint utilized CenturyLink's local exchange facilities in the same manner as any other interexchange carrier purchasing terminating switched access service and since CenturyLink's tariff does not exempt VoIP-to-PSTN traffic from switched access charges, CenturyLink properly charged, and Sprint was obligated to pay,

being deployed to all Americans in a reasonable and timely fashion. Our analysis shows . . . approximately 14 to 24 million Americans do not have access to broadband today. [This] group appears to be disproportionately lower-income Americans and Americans who live in rural areas.”).

⁴ *In re: Connect America Fund et al.*, WC Dkt. 10-90, *Report and Order and Further Notice of Proposed Rulemaking*, 26 FCC Rcd. 17663 at ¶ 933-53 (rel. Nov. 18, 2011) (“*USF/ICC Transformation Order*”).

⁵ *See, e.g.*, Comments of Frontier Communications, WC Dkt. No. 10-90 et. al., (filed Apr. 1, 2011) (“[T]he technology of a voice call prior to it reaching the terminating provider's network is irrelevant – all traffic is treated the same when it is being terminated over the PSTN. Thus, in order to compensate a carrier appropriately for the service of terminating traffic over its network, all forms of voice traffic must be subject to similar intercarrier compensation rates.”)

access charges for the traffic in question.”⁶ Frontier will not reiterate the numerous arguments made in this docket refuting Sprint’s petition;⁷ Frontier writes simply in support of those commenters that have voiced their opposition to the Commission condoning Sprint’s untenable self-help measures. For the reasons expressed therein, the Commission should deny Sprint’s petition to absolve itself of its previous failures to pay the tariffed access rates.

Respectfully submitted,

Frontier Communications Corporation

By:

/s/

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⁶ Comments of the Independent Telephone and Telecommunications Alliance, WC Dkt. No. 12-105, at 3 (filed Jun. 14, 2012).

⁷ *See id.*, Comments of the CenturyLink in Opposition, WC Dkt. No. 12-105 (filed Jun. 14, 2012); Comments of the CenturyLink in Opposition, WC Dkt. No. 12-105 (filed Jun. 14, 2012); Comments of NECA, NTCA, OPASTCO, ERTA, and WTA, WC Dkt. No. 12-105 (filed Jun. 14, 2012); Comments of AT&T Inc., WC Dkt. No. 12-105 (filed Jun. 14, 2012).